

A DISCUSSION OF COASTAL AND ISLAND RESOURCES

Highlights prepared September 20, 2005 - SCB

PURPOSE OF PANEL DISCUSSION

How can the Commission best incorporate viewpoints expressed by panelists and expand thoughts about the jurisdiction's coastal and island resources and LURC's vision? Are the 1997 CLUP goals and policies related to coastal resources adequate in handling recent activities and emerging challenges along Maine's coast?

SPEAKERS

- Doug Boynton – MISCA member, Monhegan Island Plantation
- Jim Connors – Senior Planner, State Planning Office
- John Griffin – Assessor, Matinicus Isle Plantation
- Jeff Romano – Public Policy Coordinator, Maine Coast Heritage Trust

PLANNING FOR MAINE'S COASTAL ISLANDS (Jim Connors)

- The State Legislature directed the Maine Department of Marine Resources and State Planning Office Coastal Program to undertake a two year Bay Management Planning Program under the direction of the Land and Water Resources Council. The study directive grew out of conflicts during State review and permitting of aquaculture projects in Maine's coastal waters. The planning effort seeks to lead to better management of nearshore marine resources. A series of public scoping sessions identified various conflicts among different users of the resource, as well as a very complex decision-making structure regarding coastal waters and resultant difficulty for the public in knowing where to go and how to get guidance and answers. Pilot projects in Muscongus Bay (involving at least one of LURC's islands) and Taunton Bay involve local advisory committees, surveys and meetings in an effort to broaden planning and include local voices in decision-making. One outcome of the bay planning will be a decision-making model for resolving controversial marine resource management issues.
- Comprehensive land use plans are most effective when the process recognizes that local involvement is best for addressing and resolving local problems. The broader State perspective, into which local island resource management and land use regulation fit, is also crucial to the planning process.
- Islands have similarities in resource capabilities, limitations and development challenges; they have differences in terms of their local characteristics, unique resources and resource use.
- Coordination with "adjacent" municipalities across LURC's jurisdictional boundaries is important in addressing certain issues, for example, access to Monhegan from the mainland in Port Clyde.
- Developing a vision for planning efforts assists in defining the outcome of the process.
- Coordination with local people interested in planning through the development and use of advisory plans warrants additional consideration by the Commission.

CONSERVING LAND IN LURC'S COASTAL AREAS AND ISLANDS (Jeff Romano)

- The MCHT has protected 250 coastal islands and owns 6,000 acres in fee and 10,000 acres under easement along Maine's coast. 1200 of those acres are on LURC islands. Much of the fee lands are enrolled in and taxed under Maine's open space or tree growth programs or involve negotiated payments with municipalities.
- The objective of MCHT within LURC's jurisdiction is the protection of undeveloped islands as well as portions of other developed, high resource value islands. Some of the areas protected by fee ownership or conservation easements include the southern tip of Louds Island and Ross, Thief, Wreck and other islands in Muscongus Bay and Hungry Island, nearby; small islands, including Two Bush, to the south of the Muscle Ridge islands; the northern end of Metinic Island; several islands in East Penobscot Bay; Marshall Island between Isle au Haut and Swans Island; and a few islands in Cobscook Bay between Edmunds and Trescott.
- MCHT can work with LURC to identify conservation opportunities and provide information on local and regional land trusts.
- Conservation easements require resources to support and sustain the terms of the easement. It's common practice to have endowments for easements. MCHT stewardship requires personnel to manage and monitor easement and fee lands. The trust has experience in determining the costs of managing conservation easements.

- MCHT has observed the following trends in coastal development:
 - There is rising demand for, and costs of, coastal properties;
 - There is both increased recreational use of islands and more posting of islands by new landowners; and
 - There has been good recovery of some endangered and threatened species, like eagles, on the coast.

OBSERVATIONS ON MATINICUS ISLE PLANTATION (John Griffin)

- Enforcement of approved permit conditions is a concern. Residents who follow the rules are becoming discouraged, and some are threatening to just do what they want, since consequences for permitting violations aren't evident. LURC needs to investigate reports of violations by visiting the islands.
- A current case involves a permit for a fishing shed near the shore which is in the process of becoming a residence and now includes the construction of an access road. Rather than allowing a violation to be completely constructed, why not stop such activities beforehand?
- Common ownership of property can become problematic for both permitting and enforcement. In one case, several hundred owners hold shares in an undivided property less than 30 acres in size.
- Combined uses are common in a working waterfront. Conversions from one use to another are also common. Waste disposal is a definite concern on the waterfront when use is intensifying. Should the Commission consider allowing more combined and/or converted uses in the maritime zone?

PLANNING FOR MONHEGAN ISLAND PLANTATION (Doug Boynton)

- There is often a progression of events during the conversion of uses in working waterfronts on islands. A generator or fishing shed may become a shop and then living quarters for the sternman, which then necessitates the construction of another shed. Access and island limitations magnify the situation.
- The inhabited islands, or Monhegan, need a comprehensive plan which is specific to the island(s).
- Monhegan Island Plantation has a heritage of conservation. Early on, the plantation established unique lobstering restrictions. It is also unique because the Monhegan Associates, a conservation group comprised of year-round and seasonal residents, owns and controls about two-thirds of the island.
- Affordable housing is an extreme need to sustain the year-round community on the island. This is an issue that really concerns the community and requires LURC intercession. Jobs for year-round residents are available; housing is not. The plantation invites LURC to work with its Monhegan Island Sustainable Community Association to make room for year-round residents. Consider ways to promote development of affordable residences through exemptions from, or reductions of, standards to allow clustering and/or reduced lot sizes.
- Communication between the plantation and LURC will benefit from familiarity with LURC staff assigned to Monhegan and with direct contacts between local plantation officials and Commission staff. It's unclear what constitutes community opinion and how an island community expresses that to LURC.

ADDITIONAL DISCUSSION AND OBSERVATIONS:

- Island landowners pay taxes to the county but receive no services, like fire protection, public safety or road maintenance. Service provision may become more of an issue as island development continues. **(Andy Arey)**
- Island forests face potential problems with fire. Land in tree growth may have management plans but actual work may not be undertaken. **(Andy Arey, Eagle Island)**
- Owners of undivided property may have informal understandings of rights, such as don't crowd each other or build in front of others, but otherwise rights in the property are not well-established. If enforcement of existing or developing violations is not upheld, others will follow that example and do what they want on their property. **(Vance Bunker, Matinicus Isle Plantation)**
- Undivided property interests, a common occurrence on some coastal islands and in other areas of the unorganized territories, may pose a legal issue for LURC in terms of title, right, interest for the purposes of permitting. How does LURC determine an applicant's rights to a property and consequently, rights to undertake various activities when hundreds of owners hold an interest in parcels only a few acres in size?